

## **Notice of Intent (NOI) Instructions**

For Authorization to Discharge Stormwater Runoff from Construction Activities  
In accordance with the Kansas Water Pollution Control General Permit  
Under the National Pollutant Discharge Elimination System

### **Who Must File An NOI**

Owners or operators of construction activities which may disturb one or more acres or are part of a larger common plan of development or sale which may disturb a cumulative total of one or more acres must obtain authorization to discharge stormwater runoff from construction activities.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre), and which are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this general NPDES permit when KDHE believes the water quality impact warrants consideration or KDHE determines the construction activities constitute a significant pollution potential.

Construction activities associated with oil & gas exploration, production or transmission, the construction activities may be exempt under the Oil & Gas Exemption (see definition). However, if Authorization under the general permit is requested for these activities, a permit will be issued and enforced.

The owner or operator of a site that may have a discharge of stormwater runoff from construction activities must submit an original signed NOI and all required supporting documentation to obtain coverage under a Kansas Water Pollution Control general permit.

This general permit addresses water quality, not quantity or stormwater routing.

### **Where To Send An NOI Form**

Send the NOI form and all required supporting documentation to the following address:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612 - 1367

The general NPDES permit, the NOI, copies of other relevant forms, reference material and guidance is available from the KDHE Stormwater Website: [www.kdheks.gov/stormwater](http://www.kdheks.gov/stormwater)

A hard copy of the NOI form, the general NPDES permit, the general permit information packet, or other reference material or guidance may also be obtained by sending a written request to KDHE at:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612 - 1367

For additional information, contact KDHE at (785) 296-5545 or by e-mail at: [stormwater@kdhe.state.ks.us](mailto:stormwater@kdhe.state.ks.us).

### **When to Send An NOI Form**

Submit an NOI no later than 60 days prior to the start of construction.

Owners or operators are encouraged to submit an NOI as soon as

possible to avoid delaying construction. Discharge under the general permit for Stormwater Runoff from Construction Activities is not Authorized until KDHE indicates the date of Authorization on the NOI form, issues the Authorization numbers and issues the Authorization with the Secretary of KDHE's signature. KDHE anticipates authorizing most construction stormwater discharges within 60 days following receipt. However, delays may occur from incomplete submittals, inadequate erosion and sediment control plans, or KDHE office workload.

If coverage under the general permit is denied, an application for an individual Kansas Water Pollution Control permit will be required to obtain discharge Authorization. Individual permits require a minimum of 90 days for processing upon receipt of the individual Kansas Water Pollution Control permit application.

### **Section I Owner or Operator & Record Location Information**

Identify the owner(s) or operator(s) that either individually or taken together have operational control over the site construction activities; and which have the day-to-day operational control of those activities at the site necessary to ensure compliance. Do not use a colloquial name.

For a typical commercial construction site, the owner or general contractor is the owner or operator. (See the definition.) For a typical residential development (subdivision), the owner or an authorized representative is the owner or operator.

Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the NOI, or if the activity will be on a right of way, leased property, or easement, give the name responsible for the construction activities.

Enter the name and phone number of the person to contact regarding the indicated construction activities. The owner or operator and contact person need not be the same.

Provide the billing contact name and provide the billing address if different than the owner or operator mailing address.

Records regarding the permit must be kept at the site or at a readily available location. If the records will not be located on the project site, provide the address where the records will be located.

### **Section II Site Information**

#### **A. LOCATION**

Enter the project's official or legal name and physical location. Include the street address if known and indicate the city, state and ZIP code.

#### **B. LEGAL SITE DESCRIPTION**

Indicate the county, section, township, and range (to the nearest quarter/quarter section; 40 acres) of the center of the site.

### **C. EXISTING CONDITIONS/USES**

Indicate whether the site is located on Indian Country land. If the entire construction disturbance is located on Indian Country land, the owner or operator cannot be covered by KDHE under this general NPDES permit.

EPA is the permitting authority on Indian Country land. To request authorization to discharge stormwater runoff from construction activities on Indian Country land, the applicant must contact EPA.

For information on permitting and location of Indian Country land, contact the Bureau of Indian Affairs at (785) 486-2161 or the EPA Region VII Office of Policy and Management, Program Operations and Integration at (913) 551-7338.

If the stormwater runoff from construction activities flows into a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name, or the name of the responsible public body).

Indicate the river basin in which the project is located.

Provide the name of the first receiving water, stream, or lake. This may be obtained from the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S.) topographic map or KDOT general highway map for the county where the project or discharge point is located.

The Kansas Surface Water Register, can be downloaded from the KDHE Stormwater Website: [www.kdheks.gov/stormwater](http://www.kdheks.gov/stormwater). A hard copy of the list of waters or the complete Surface Water Register may also be obtained by sending a written request to KDHE at the address above.

Indicate if there are any contaminated soils present on the site or if there is groundwater contamination located within 1000 feet of the site. If so, on separate paper explain in detail the locations, contaminants and concentrations.

Indicate if any contaminated soils will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? If so, on separate paper explain in detail the locations, contaminants and concentrations.

Identify any and all surface water intakes for public drinking water supplies within one half mile downstream of the discharge points.

Indicate if there are any known historical or archeological sites present within the site boundary or any historical structures located within 1000 feet of the project site. The Kansas State Historical Society maintains a list of recorded sites or may recommend the project be surveyed for such sites by a professional archeologist. The KSHS may be reached at:

Kansas State Historical Society (KSHS)  
6425 SW 6<sup>th</sup> Avenue  
Topeka, KS 66615 - 1099  
(785) 272-8681, extension 240  
e-mail: [tweston@kshs.org](mailto:tweston@kshs.org)  
website info: [www.kshs.org/resource/section106consult](http://www.kshs.org/resource/section106consult)

Include documentation of coordination with KSHS with the NOI.

Indicate whether any threatened or endangered species are known or are likely to be present within the site boundary or within the receiving water body. Through Kansas Administrative Regulations (K.A.R.) 115-15-1 et seq. the Kansas Department of Wildlife and

Parks (KDWP), maintains a listing of threatened or endangered species and their critical habitats.

If threatened or endangered species are likely to be present at the site or within the receiving water body, then list the species and describe the location in relation to the site location. Contact the KDWP's Environmental Services Section for assistance. KDWP may be contacted at:

Kansas Department of Wildlife and Parks (KDWP)  
Environmental Services Section  
512 SE 25th Avenue  
Pratt, KS 67124-8174  
(620) 672-0720  
e-mail: [debs@wp.state.ks.us](mailto:debs@wp.state.ks.us)  
website info:  
[www.kdwp.state.ks.us/news/other\\_services/environmental\\_reviews](http://www.kdwp.state.ks.us/news/other_services/environmental_reviews)

Include documentation of coordination with KDWP with the NOI.

Indicate if there are any Critical Water Quality Management Areas (CWQMA) established in accordance with K.A.R. 28-16-70; Exceptional State Waters (ESW); Special Aquatic Life Use Waters (SALU), or Outstanding National Resource Waters (ONRW), as listed in the Kansas Surface Water Register which are within ½ mile of the proposed construction project. A listing of these water bodies is maintained by KDHE in the Kansas Surface Water Register. A copy of the list, and information regarding the Kansas Surface Water Register is available by calling KDHE at (785) 296-5549.

Indicate if the project will impact the line or grade of a stream or if it will include dredge or fill of a potential jurisdictional water body or wetlands. If yes, include documentation of project site coordination with the Corps of Engineers. The COE may be contacted at:

Kansas City Metro Area:	Outside the K.C. Metro Area:
U. S. Army Corps of Engineers 700 Federal Building 605 E. 12th Street ATTN: OD-R, Room 706 Kansas City, MO 64106 (816) 389-3990	U. S. Army Corps of Engineers Kansas State Regulatory Office 2710 NE Shady Creek Access Rd. El Dorado, KS 67402 (316) 322-8247

### **D. PROJECT DESCRIPTION**

Briefly describe the nature of the construction activity.

Indicate whether the entire soil disturbance within the common plan of development is included in this Notice of Intent (NOI) for coverage under the General Permit for Stormwater Runoff from Construction Activity and are included in the SWP2 Plan developed for the project site.

If not, describe the soil disturbing activities within the common plan of development that are not covered by the NOI form. Provide contact information, if available, for the other areas that are not covered by this NOI. Attach additional pages if needed.

Enter the project start date and the estimated completion date for the entire development plan. For phased construction projects with planned intervals of non-activity, do not show the end of a phase as a completion date. If the owner or operator submits a Notice of Termination (NOT) when a construction phase ends, the owner or operator of the construction site must submit a new NOI when construction resumes.

Estimate the area to be disturbed. Include access roads to be constructed, and adjacent or on-site material borrow areas and excess material storage areas, lot grading, and building construction areas.

Total area of the site includes areas where soil will be disturbed and areas left undisturbed.

Where a common drainage area of ten or more acres is disturbed a sedimentation basin is required if feasible. Attach design calculations for all proposed sediment basins.

If a sediment basin is not feasible, indicate why a sediment basin is not feasible and attach a description of a proposed alternative. Proposed alternatives must control erosion and sediment movement as effectively as a sedimentation basin.

#### **E. MAPS**

Provide a general topographic map or maps of the area extending at least to one mile beyond the property boundaries of the site which clearly shows:

The construction site, access roads, and the area(s) where soil will be disturbed;

The location of each existing and proposed discharge point;

Rivers, waterways and drainage ditches, and the flow direction;

Surface water intakes for public water supplies; and

The map scale and a meridian arrow pointing north.

A 7½-minute series map as published by the U.S.G.S. (or a photocopy of the pertinent portions) or an equivalent scaled topographic map may be submitted. Maps for the State of Kansas may be obtained from the U.S.G.S. Office or Kansas Geological Survey Offices listed below.

Kansas Geological Survey	Kansas Geological Survey
1930 Constant Avenue	4150 Monroe Street
Lawrence, Kansas 66047-3724	Wichita, Kansas 67209
(785) 864-2157	(316) 943-2343
<a href="http://ks.water.usgs.gov/">http://ks.water.usgs.gov/</a>	

#### **F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES**

Provide a detailed site plan(s) showing the existing contours; proposed contours; structural and nonstructural control features; sedimentation basin(s), if any; and the location stormwater runoff leaves the construction site. Identify the areas where soil will be disturbed and stabilization practices are expected to occur.

Briefly describe the controls and measures that will be implemented to control pollutants in stormwater runoff. Include a description of

the BMPs (e.g., good housekeeping, limiting soil disturbance, temporary mulching, spill prevention, etc.) and sediment and erosion control measures (vegetated drainage swales, rock outlet protection, sediment basins, etc.).

Also, describe the controls and measures that will be constructed as part of the project and left in place in order to control pollutants from

the intended site use after construction is finished. Describe the local requirement, if any, for the permanent stormwater management feature.

Provide the name and license or certification number of the engineer, geologist, architect, landscape architect, or certified erosion and sediment control specialist under which the construction stormwater pollution prevention plan has been developed.

#### **Section III Annual Fee**

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE." Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An annual bill will be sent to the contact person requesting a permit fee until such time as the permit holder submits a Notice of Termination (NOT).

Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

#### **Section IV Owner or Operator Certifications**

The owner or operator should read and ensure they understand the statements of this section before signing the NOI form. The NOI form must be signed by the project owner or operator.

The Notice of Intent (NOI), the Notice of Termination (NOT), and the Notice of Transfer of Ownership (NOTO) must be signed by the permittee. All forms, reports, or other correspondence which must be submitted to KDHE as required by this general permit shall be signed and certified by the permittee or an authorized representative.

The Notice of Intent, all SWP2 plans, inspection reports and other information either submitted to KDHE, submitted to the operator of a municipal separate storm sewer system (MS4), or required to be maintained by the permittee under this general permit, shall be signed and certified by the permittee or an authorized representative.